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SIPDIS

SENSITIVE

STATE FOR G/TIP, DRL/IL, PRM AND EAP/MLS
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SUBJECT: THAILAND TRAFFICKING IN PERSONS
DEVELOPMENTS

REF: Bangkok 1321

Sensitive but unclassified - handle accordingly

¶1. (U) Summary: Recent activities have focused on child trafficking and child sex tourism in Thailand. A child sex tourism seminar was held in Bangkok under the auspices of the USG-supported Bali Process, with DHS/ICE representing the USG and providing a case study. The NGO IJM reports progress in repatriating nine Thai hill tribe women who had been trafficked to Malaysia last year. An ILO-IPEC workshop, funded by USDOL, produced a useful survey of deficiencies in anti-trafficking legal frameworks in six Asian countries, with a Thai official predicting that the RTG's draft Anti-Trafficking Law would not be approved by Parliament until late 2006. Thai MP's indicate they have evidence of Thai women trafficked to Taiwan for forced prostitution. End Summary.

BALI PROCESS CHILD SEX TOURISM SEMINAR

¶2. (U) The Australian Federal Police (AFP) and Royal Thai Police (RTP) jointly sponsored a Bali Process Regional Strategy Seminar on Child Sex Tourism in Bangkok on November 14-16. The Bali Process is a program of coordinated anti-trafficking activities, administered by the International Organization for Migration (IOM), which receives significant USG and other donor funding. (Australia and Indonesia are co-chairs of the Bali Process steering group, while Thailand and New Zealand are coordinators.) U.S. officials from DHS/ICE presented an overview of DHS's Operation Predator, accompanied by a case study of a prominent child sex trafficking conviction in Thailand. Law enforcement representatives from 15 other countries and Interpol also made presentations on their efforts.

¶3. (SBU) A senior program development officer at IOM met with the Embassy's TIP Task Force on November 23 to review the outcomes of the seminar. The IOM officer praised the DHS/ICE case study, which highlighted the challenges faced in prosecuting an Amcit university teacher who had traveled throughout Southeast Asia and was ultimately convicted in Thailand on child sex charges. Thai and U.S. law enforcement officials noted that the conviction was all too rare due to narrowly defined Thai laws which require that a criminal act be committed, or be practically on the verge of being committed, in order for a case to be prosecuted (in contrast to the U.S. Protect Act which allows prosecution for intended child sex crimes).

¶4. (SBU) The IOM representative said that while the seminar succeeded in generating discussion about specific cases, it had difficulty meeting overly ambitious goals which were intended to highlight best practices in national police force cooperation, advance the use of sexual assault identification kits, and implement model legislation. A principal reason for this, he said, was the lack of participation in the seminar by prosecutors, judges and legislators responsible for developing and enforcing laws to combat trafficking and child sex tourism. Future events, such as a planned workshop in the Philippines, would benefit from such participation, as well as from having more targeted objectives, such as training authorities on the use of sexual victims ID kits, the techniques of interviewing victims, and developing manuals for processing sex crime evidence.

¶5. (SBU) IOM briefed seminar participants about IOM's regional return and reintegration program, which provides life skills development and psycho-

social assistance for victims, that has been funded by the PRM Bureau at State. IOM officials also noted G/TIP's assistance in funding IOM victim referral systems in Malaysia, saying that Malaysian officials have expressed interest in further IOM training for law enforcement officials. The systems have assisted Malaysia in repatriating Thai victims from abroad. The IOM official noted the USG contribution of over USD 330,000 to the Bali Process to date, with PRM funding in the past two years concentrating on victim protection, provision of asylum, and anti-trafficking.

16. (SBU) In light of the substantial USG role in funding Bali Process activities, the IOM official said he hoped Australian organizers would be more proactive in soliciting USG participation in future events. He said the DHS/ICE presentation was warmly welcomed by participants, including the Australians, but had been arranged on short notice only through the efforts of IOM, while IOM itself was also brought in late by the AFP to play a coordinating role.

IJM-MALAYSIA HILL TRIBE REPATRIATION CASE

17. (SBU) Representatives of NGO International Justice Mission (IJM) continue to work with Dr. Saisuree Chutikul, chair of Thailand's Sub-Committee for Coordination on Combating Trafficking in Children and Women, to repatriate nine ethnic Thai Yai women who had been trafficked to Malaysia and were removed from brothels in Johor Bahru by Malaysian police in February this year (reftel). Repatriation of the nine women has been delayed due to their lack of Thai (or any other) citizenship, but a June 14 RTG Cabinet decision committed the RTG to consider repatriating them if their previous Thai residency could be proved. In August, IJM provided Thai authorities with copies of house registrations and other documents verifying that the nine women had residences in Mae Sai and Chiang Rai before being trafficked to Malaysia. Dr. Chutikul has since forwarded those documents, along with a September 29 resolution from her Sub-Committee, to the RTG Ministry of Foreign Affairs to begin processing the repatriation. According to Dr. Chutikul, Thai consular officials in Kuala Lumpur have since interviewed the women, in coordination with Malaysian officials, and are awaiting approval by the Thai Interior Ministry to process their repatriation. IJM reports that while they are relieved the cumbersome repatriation process appears to be in its final stages, they hope this will serve as the pilot case for possibly hundreds of other stateless detainees in Malaysia who could qualify for repatriation to Thailand.

ILO-IPEC SEMINAR ON CHILD TRAFFICKING LAWS

18. (U) The International Labor Organization's International Program to Eliminate Child Labor (ILO-IPEC) conducted a two-day workshop on November 22-23 in Bangkok which presented a comparative review of the child trafficking legal frameworks in six countries, including Thailand. The workshop was conducted under the auspices of ILO-IPEC's Regional Project to Combat Trafficking in Children for Labor and Sexual Exploitation (TICSA) phase II, which workshop organizers noted is funded by the U.S. Department of Labor in the amount of USD 3 million. The research review, by consultants Radhika Coomaraswamy and Ambika Satkunanathan, highlights the following principal deficiencies in Thai legislation (the 1997 Measures in Prevention and Suppression of Trafficking in Women and Children Act):

-- Sexual exploitation is the only identifiable end product of trafficking. Trafficking for the purpose of providing bonded labor is not specifically criminalized.

-- In some cases, where the end result is not prostitution, traffickers can only be prosecuted for violations of the Immigration Act or the Labour Act. Trafficking victims themselves are treated as illegal migrants and charged accordingly, if they have been brought from another country, and can be deported against their will.

-- Traffickers must be proven to have illegally

benefited from their criminal actions, which places an unnecessary extra burden of proof on prosecutors.

-- Certain laws still limit the definition of sex crime victims to include women or girls only, excluding the possibility of male victims.

-- Support granted to trafficking victims is minimal, and few resources are devoted to rehabilitation of victims to minimize their exposure to re-trafficking in the future.

19. (U) The paper noted that Thailand's draft Prevention and Suppression of Human Trafficking Act of 2003 (which has yet to be approved by Parliament), will remove many deficiencies in Thai law by greatly expanding the definition of trafficking, providing a USD 12.5 million dollar fund for long-term victim care and treatment, and granting Thai authorities extra-territorial jurisdiction to prosecute traffickers no matter where the offenses are committed. However, the senior Thai representative at the workshop, from the Ministry of Social Development and Human Security, said the draft Act is not likely to be approved by Thailand's Parliament until the end of 2006. (A copy of the ILO-IPEC paper, which also reviews legal frameworks in Nepal, Pakistan, Indonesia, Bangladesh and Sri Lanka, is being pouches to G/TIP-Mark Taylor and DRL/IL-Joe DeMaria. ILO-IPEC also expects a written summary/transcript of the workshop to be available in mid-December.)

MOTHER ARRESTED FOR SELLING 14-YEAR OLD DAUGHTER

10. (U) Thai police confirmed on November 1 that they had arrested a 49-year old Bangkok woman for selling her 14-year old daughter for sexual services. The woman, who was turned in to police by neighboring residents, claimed that she needed to pay off debts accrued during the hospitalization of her now-deceased husband. According to police, she admitted selling her daughter for sex, at rate of USD 25 to 75 per customer, and that the customers "included government officials and well-off businessmen." The police have sent the daughter to a women and children's welfare center while her mother continues to be questioned. The mother, if convicted of bringing her child into prostitution, faces 20 years' imprisonment and a fine of up to USD 10,000. Police told the Embassy that they will follow up on leads indicating any involvement of government officials in procuring prostitution from a minor.

MP ON THAI WOMEN TRAFFICKED TO TAIWAN

11. (U) On 13 November 2005, Member of Parliament Kusumalvati Sirikomart said that a trip to Taiwan by members of the House Committee on Foreign Affairs uncovered a large number of Thai women forced into prostitution after registering marriage certificates with Taiwanese nationals. Kusumalvati said the women, who had believed they were applying for legitimate work, "ended up working in massage parlors from Noon to 4 AM because they are in debt to job brokers by as much as 400,000-500,000 Baht (USD 10,000 to 12,500)." The MP said the committee became aware of the matter in January and February of this year when 22 women contacted the Bureau of Trade and Commerce in Taiwan requesting repatriation back to Thailand. Likhit Tiravekin, Deputy Chairman of the Committee on Foreign Affairs, described the situation as "a slave ring," saying that the women were being forced to take drugs and service as many as ten customers a day to pay off their debts. He said that as many as 10,000 Thai women currently work in Taiwan having registered marriage certificates with Taiwanese nationals.

VITAL VOICES CONFERENCE - MARCH 2006

12. (U) Organizers of the planned March, 2006 Vital Voices NGO anti-trafficking workshop in Bangkok confirmed that the RTG has agreed to co-host the event along with the Vital Voices and the Embassy. Vital Voices welcomed a commitment from G/TIP for USD 25,000 in funding for the conference, as well as a planned contribution from EAP/RSP. The Embassy is exploring the possibility of further funding through

USAID and Public Affairs to ensure the success of this event, which will be attended by NGO and government representatives from five Southeast Asian countries and China.